IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

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WRIT PETITION NO : 19125 of 1995

Between:

1. Solthi venkataiah s/o.Yellaiah
   R/o.Rollakal village, Parvathagiri mandal,

Warangal district.
2. kondarti Yakaiah S/O.Mallaiah
   R/o.Rollakal village, Parthagiri Maandal,
   Warangal Dist.

... PETITIONERS

AND

1. The District Collector, Warangal
2. The Secretary, Marketing & Godowns
   Hyderabad
3. The Deputy Collector, L.A.O.
   Warangal District.
4. P.Dasaratha Rama Rao S/O.Pedda Veeraiah,
   R/o.opp.St.Peters High School, Hanmakonda,
   Warangal District.

(R.4 dismissed for default as per court order dt.19.7.2000)

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ more particularly one in the nature of writ of *Mandaums* directing the respondents not to interfere with the

possession of the petitioners land in S.No.44 Ac.1.18 gts, S.No.45 Ac.2.01gts., S.No.46, Ac.1.02 gts and S.No.73 B Ac.1.05 gts of Rollakal village, Parvathagiri, mandal, Warangal District without initiating the land acquisition proceedings under the law.

Counsel for the Petitioners: MR.N.RAJESWAR RAO

Counsel for the Respondents 1 to 3: GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

The first petitioner claims to be the owner and pattedar of total extent of land admeasuring Ac.4.21 guntas, bearing survey Nos.44, 45 and 46, and the second petitioner claims to be the owner of Ac.1.05 guntas of land in survey No.73 B of Rollakal village, Parvathagiri Mandal, Warangal District. The present writ petition has been filed apprehending summary dispossession by the respondents for the purpose of laying the road from Rollakal village to Mudigundla Thanda.

It is alleged that the neighbouring lands belonging to various pattadars have been acquired under the provisions of the Land Acquisition Act, 1894 (for short

”the Act”), for the public purpose of laying the said road. But, so far as the petitioners are concerned, their lands were not acquired and no notification has been issued under the provisions of the Act. It is alleged that attempts were made to dispossess the petitioners and utilize the said land for the very same public purpose, in an unauthorized manner, without acquiring the same.

This Court while directing the *rule nisi,* vide its order, dated 24-08-1995, further directed the respondents not to dispossess the petitioners from the lands in question. The order is subsisting as on today. That no counter affidavit has been filed by the respondents.

It is needless to observe that it shall always be open to the respondents to acquire the lands including that of the petitioners, if the same are required for a public purpose, in accordance with law and under the provisions of the Act, for which purpose, required procedure has to be followed and compensation has to be paid to the petitioners. The respondents, in law, have no authority whatever to summarily dispossess the petitioners, even if the land is required for a public purpose. Such a course is impermissible in law.

In the circumstances, the writ petition is disposed of directing the respondents not to interfere with the possession of the petitioners in respect of the lands in question, even if the same are required for a public purpose. It shall be open to the respondents to acquire the lands, if they so desire, and pay the compensation to the petitioners in accordance with law. There shall be no order as to costs.

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B. SUDERSHAN REDDY, J.

Date:09-12-2004

GS

To

1. The District Collector, Warangal

2. The Secretary, Marketing & Godowns
   Hyderabad

3. The Deputy Collector, L.A.O.
   Warangal District.

4. Two C.C.s to the G.P. for Land Acquisition, High

Court of A.P., Hyderabad (O.U.T.)

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